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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/823,628	KANG ET AL.	
	Examiner	Art Unit	
	Kishin G. Belani	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 April 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :03/07/2007, 02/08/2007, 11/22/2006, 07/24/2006, 04/14/2004.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statements submitted on 03-07-2007, 02-08-2007, 11-22-2006, 07-24-2006, and 04-14-2004 have been considered by the Examiner and made of record in the application file.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the components marked in drawings are not consistent with the text in the specification. For example, in Fig. 3C, the component 320 is marked "data processor", whereas in paragraph 0046, it is labeled as "content processor". In the same figure, ReferenceInfo 440 mentioned in the same paragraph is not shown in Fig. 3C. Similar error occurs in Fig. 5, component 370, etc. Please reconcile the mismatched labeling of components between the drawings and the text in the specification.

Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new

drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

In paragraph 0071, change "SynchML" to – SyncML --. Replace all other such occurrences of SynchML as well.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 32-37 and corresponding dependent **claim 38** are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter. **Claims 32-37** are directed to data structures per se, which are not embodied on a computer-readable medium. Also, **claim 38** discloses non-functional descriptive material embodied on a computer-readable medium, which has been held to be non-statutory (refer to MPEP section 2106.01, Rev. 6, Sept. 2007).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 24, 25, 33 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In **claim 24**, the claimed text "a content device operable to receive the contents from the source device and control the target device...", lacks antecedent basis for "the target device". The examiner has interpreted the text to mean "a target device". Also, the text "a target device operable to receive ..." is interpreted to mean "the target device operable to receive ...".

In **claim 25**, the claimed text "a data composer operable to receive information required to construct synch data from an outside and construct the synch data" is interpreted to mean "a data composer operable to receive information required to construct synch data from an outside **source** and construct the synch data".

In **claim 33**, the claimed text "a maximum number of times the synchronization is performed" is indefinite. Does the maximum number apply to the entire life of the target device, or within a fixed time period e.g. one year, or until synchronization session is complete? Please clarify.

In **claim 34**, the claimed text "ConFIGInfo operable to define definition ..." is unclear. In order to continue prosecution, the examiner has interpreted the text to mean "ConFIGInfo operable to define configuration parameters ...". Please clarify.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 12-17, 19, 21-25, 27, 29-33 and 36-38 are rejected under 35 U.S.C. 102(e) as being anticipated by **Johnson et al. (US Patent Publication # 7,159,174 B2).**

Consider **claim 1**, Johnson et al. show and disclose a method of synchronizing contents (Fig. 2, PC 106 with a synchronization port 112 to synchronize multimedia content with a media player 102; column 2, lines 52-55 and column 4, lines 47-58 that disclose the same details),

wherein contents are provided by a source device (Fig. 1 that shows content source 108 providing content to computer 106; column 4, lines 34-40 disclose the same details),

synch data corresponding to the contents are interpreted (Fig. 2, Playlists 220-222 and Mapping Info. File 234 that correspond to synch data; column 13, lines 11-25 which disclose that the synchronization module 210 receives the content synchronization information through user interface 214 and generates mapping information file 234;

which is then interpreted by the media player (a target device) in order to associate preset buttons on its common user interface with particular playlists; column 14, lines 3-11 disclose similar details), and

an action command is issued to a target device if conditions for execution of the contents are fulfilled (column 3, lines 28-47 which disclose action markup tags that identify data for performing an action associated with the content when the conditions for execution of the contents are fulfilled (corresponding to loading synch data, e.g. playlists 220-222 and mapping data 234, onto the media player 102, that acts as a target device)).

Consider **claim 2**, and **as it applies to claim 1 above,** Johnson et al. show and disclose the claimed method, further comprising:

providing a content device located at a first location with the contents by the source device (Fig. 1 that shows content source(s) 108 providing content to the content device (computer) 106; column 4, lines 34-40 and column 5, lines 43-52 disclose the same details);

storing the synch data required to synchronize the provided contents (Fig. 2 that shows Memory 204 storing Playlists 220-222 and Mapping Info. File 234 (synch data) within PC 106);

determining the target device and conditions for execution of the contents by interpreting the synch data (Fig. 2, Configuration Module 208 and Synchronization Module 210, interpreting Media File Playlists 220, Audio File Playlists 222, and user

input from interface 214 (collectively synch data) to determine the target device and conditions for execution of the contents; column 13, lines 11-25 which disclose that the synchronization module 210 receives the content synchronization information through user interface 214 and generates mapping information file 234 in order to determine the target media player, which interprets the mapping file to determine the type of contents to play); and

executing the contents through the target device if the conditions are satisfied (column 12, lines 62-67 and column 13, lines 1-10 which disclose the content synchronization information 302 entered by a user to configure preset buttons on a media player 102 for playing back desired content).

Consider **claim 3**, and **as it applies to claim 2 above,** Johnson et al. show and disclose the claimed method, further comprising:

a user moving the content device to a second location after downloading the contents from the source device (Fig. 2 which shows that a media player 102 may be connected to PC 106 by a wireless network 110, thereby disclosing that a user can move the content device (PC 106) to a different location after downloading the contents from the source(s) 108; column 4, lines 49-53 disclose the same details).

Consider **claim 4**, and **as it applies to claim 2 above,** Johnson et al. show and disclose the claimed method, wherein the step of storing the synch data comprises:

receiving information required to construct the synch data from an external source,

and a data composer constructing the synch data using the received information (Fig. 2 which shows Content Retriever(s) – Formatter(s) 206 acting as data composer, that receive information from external source(s) 108, and construct the synch data (Media Files Palylists 220 and Audio File Playlists 222); column 7, lines 4-11 that further disclose the claimed method).

Consider **claim 5**, and **as it applies to claim 4 above,** Johnson et al. show and disclose the claimed method, wherein the step of receiving the information further comprises receiving the information directly from the user through a user interface (Fig. 2, user interface 214 providing user input via keyboard 218; column 7, lines 31-51 which disclose that a Content Configuration Module 208 supports a user interface 214, so that a user can specify desired data for retrieval from the various content source(s)).

Consider **claim 6**, and **as it applies to claim 4 above,** Johnson et al. show and disclose the claimed method, wherein the step of receiving the information further comprises receiving the information from an external server (Fig. 2, Content Source 108; column 5, lines 43-52 which disclose that a Content Source 108 is typically implemented as one or more server computers such as a Web server or email server, providing storage for electronic documents and information including various multi-media content, thereby disclosing receiving synch information from an external server).

Consider **claim 12**, and **as it applies to claim 2 above,** Johnson et al. show and disclose the claimed method, wherein the step of executing the contents comprises:
a data parser interpreting the synch data (Fig. 2, Content Retriever/Formatter 206; column 7, lines 8-11 which disclose that each content retriever/formatter is designed to understand the format and layout of the media content that it retrieves from a content source, thereby disclosing capabilities of a data parser for interpreting the synch data);
a sync handler determining conditions for execution of the contents using the interpreted synch data (Fig. 2 which shows a configuration module 208 that acts as a sync handler determining conditions for execution of the contents using the interpreted synch data, by receiving and processing user's content requirements from interface 214 and interpreted synch data from content retriever/formatter 206; column 6, lines 52-56 that disclose how configuration module integrates inputs (from user and module 206) to determine the conditions for execution of the contents);
the sync handler transmitting the determined conditions for execution of the contents to a content processor (Fig. 2, Configuration Module 208 acting as a sync handler and Synchronization Module 210 acting as a content processor, wherein the Configuration Module transmits the determined conditions for execution of the contents to the Synchronization Module 210; column 7, lines 31-35 and column 13, lines 11-25 disclose additional details of the claimed method); and
the content processor executing the contents through a service manager (Fig. 13, Playback Module 1308 in the Media Player 102 that acts as a service manager to select

appropriate service modules that can play the selected content; column 14, lines 28-43 that further describe the details of the claimed method).

Consider **claim 13**, and **as it applies to claim 12 above,** Johnson et al. show and disclose the claimed method, wherein the step of determining the conditions for execution of the contents comprises:

receiving the interpreted synch data from the data parser (Fig. 2 that shows content formatter 206 (data parser) supplying interpreted synch data to synchronization module 210 in the form of playlists 220 and 222; column 13, lines 14-22 disclose the same details);

receiving the received synch data and determining a time when the contents are executed (column 13, lines 14-22 which disclose that the synchronization module 210 receives the synch data from content formatter module 206 and user interface 214; Figs. 6-7; column 10, lines 38-57 which disclose the process of determining a time when the contents of a "Calender" appointments are played out based on XML-formatted text file playlist 224 (in Fig. 6));

receiving the received synch data and determining the conditions for execution of the contents (column 13, lines 14-22 which disclose that the synchronization module 210 receives the synch data from content formatter module 206 and user interface 214; Figs. 6 and 8; column 10, lines 58-67 and column 11, lines 1-4 that disclose a process of determining the conditions for execution of the contents of some audio files); and

issuing a start command to a content processor if the time and conditions are fulfilled

(column 11, lines 4-12 that describe action metadata tag entries in the audio file playlist 222 of Fig. 8, used to initiate an action (such as calling someone on the telephone) when the time and conditions are fulfilled).

Consider **claim 14**, and **as it applies to claim 12 above,** Johnson et al. show and disclose the claimed method, wherein the step of executing the contents comprises:

receiving the interpreted synch data from the data parser (Fig. 2 that shows content formatter 206 (data parser) supplying interpreted synch data to synchronization module 210 in the form of playlists 220 and 222; column 13, lines 14-22 disclose the same details);

constructing an action message using the interpreted synch data (column 11, lines 4-12 that describe action metadata tag entries in the audio file playlist 222 of Fig. 8, used to initiate an action (such as calling someone on the telephone) when the time and conditions are fulfilled); and

transmitting the action message to the target device using the service manager (column 13, lines 19-25 which disclose that the synchronization module 210 downloads (transmits) both the mapping file (action message) and playlists onto the media player 102; Fig. 13, Playback Module 1308 in the Media Player 102 that acts as a service manager to select appropriate service modules that can play the selected content; column 14, lines 38-43 that further describe the details of the claimed method).

Consider **claim 15**, and **as it applies to claim 14 above,** Johnson et al. show and disclose the claimed method, wherein the step of executing the contents further comprises:

analyzing preferences regarding a device, a service and a content format by analyzing the constructed action message (Fig. 2, Configuration Module 208 and Synchronization Module 210 that together analyze the preferences regarding a device, a service and a content format by analyzing the constructed action message, by module 208 interfacing with user interface 214 to determine user's preference for a service and conveying that information to the Content Retrievers 206 and Synchronization module 210; by the synchronization module making appropriate media player device selection (e.g. audio vs. video content); and the Playback Module 1308 (in Fig. 13) selecting appropriate Application 1306 to play the selected content; column 9, lines 61-67 and column 10, lines 1-2 disclose a specific case); and

recording information on the analyzed preferences and returning the analyzed preferences to the data parser (Fig. 2, computer 214 providing user interface 216 to the configuration module 208; computer 214 including storage to record user preferences; column 7, lines 31-51 further disclose the claimed details).

Consider **claim 16**, Johnson et al. show and disclose a content device (Fig. 2, PC 106) comprising:

a data composer operable to receive information required to construct synch data from an external source and construct the synch data (Fig. 2 which shows Content

Retriever(s) – Formatter(s) 206 acting as data composer, that receive information from external source(s) 108, and construct the synch data (Media Files Palylists 220 and Audio File Playlists 222); column 7, lines 4-11 that further disclose the claimed content device);

a data parser operable to interpret the synch data and transmit a user command to modules requiring the interpreted synch data (Fig. 2, Content Retriever/Formatter 206 that receives user preference for content from the configuration module 208 and transmits a user command (contained within the playlists 220 and 222) to synchronization module 210; column 7, lines 8-11 which disclose that each content retriever/formatter is designed to understand the format and layout of the media content that it retrieves from a content source, thereby disclosing capabilities of a data parser to interpret the synch data);

a sync handler operable to determine conditions for execution of the contents using the interpreted synch data (Fig. 2 which shows a configuration module 208 that acts as a sync handler determining conditions for execution of the contents using the interpreted synch data, by receiving and processing user's content requirements from interface 214 and interpreted synch data from content retriever/formatter 206; column 6, lines 52-56 that disclose how configuration module integrates inputs (from user and module 206) to determine the conditions for execution of the contents); and

a content processor operable to issue an action command to the target device through a service manager if the conditions are fulfilled (Fig. 13, Playback Module 1308 in the Media Player 102 that acts as a service manager to select appropriate service modules

that can play the selected content; column 14, lines 28-43 that further describe the details of the claimed method; column 3, lines 28-47 which disclose action markup tags that identify data for performing an action associated with the content when the conditions for execution of the contents are fulfilled (corresponding to loading synch data, e.g. playlists 220-222 and mapping data 234, onto the media player 102)).

Consider **claim 17**, and **as it applies to claim 16 above,** Johnson et al. show and disclose the claimed content device, wherein contents are provided thereto by a source device (Fig. 1 that shows content source(s) 108 providing content to the content device (computer) 106; column 4, lines 34-40 and column 5, lines 43-52 disclose the same details),

synch data corresponding to the contents are interpreted (Fig. 2, Content Retriever/Formatter 206; column 7, lines 8-11 which disclose that each content retriever/formatter is designed to understand the format and layout of the media content that it retrieves from a content source, thereby disclosing capabilities of a data parser for interpreting the synch data), and

an action command is issued to a target device if conditions for execution of the contents are fulfilled (column 11, lines 4-12 that describe action metadata tag entries in the audio file playlist 222 of Fig. 8, used to initiate an action (such as calling someone on the telephone) when the conditions for execution of the contents are fulfilled (corresponding to loading synch data, e.g. playlists 220-222 and mapping data 234, onto the media player 102)).

Consider **claim 19**, and **as it applies to claim 17 above,** Johnson et al. show and disclose the claimed content device, further comprising:

a data storage operable to store the synch data (Fig. 2 that shows Memory 204 storing Playlists 220-222 and Mapping Info. File 234 (synch data) within PC 106).

Consider **claim 21**, and **as it applies to claim 17 above,** Johnson et al. show and disclose the claimed content device, wherein the sync handler comprises:

a data reader operable to receive the interpreted synch data from the data parser (Fig. 2 that shows content formatter 206 (data parser) supplying interpreted synch data to synchronization module 210 in the form of playlists 220 and 222; column 13, lines 14-22 disclose the same details, thereby disclosing presence of a data reader operable to receive the interpreted synch data from the data parser);

a time scheduler operable to receive the received synch data and determine a time when the contents are executed (column 13, lines 14-22 which disclose that the synchronization module 210 receives the synch data from content formatter module 206 and user interface 214; Figs. 6-7; column 10, lines 38-57 which disclose the process of determining a time when the contents of a "Calender" appointments are played out based on XML-formatted text file playlist 224 (in Fig. 6), thereby disclosing presence of a time scheduler operable to receive the received synch data and determine a time when the contents are executed);

a condition check operable to receive the received synch data and determine conditions

for execution of the contents (column 13, lines 14-22 which disclose that the synchronization module 210 receives the synch data from content formatter module 206 and user interface 214; Figs. 6 and 8; column 10, lines 58-67 and column 11, lines 1-4 that disclose a process of determining the conditions for execution of the contents of some audio files, thereby disclosing presence of a condition check operable to receive the received synch data and determine conditions for execution of the contents); and

a sync starter operable to issue the action command to the content processor if the time and conditions are fulfilled (column 11, lines 4-12 that describe action metadata tag entries in the audio file playlist 222 of Fig. 8, used to initiate an action (such as calling someone on the telephone) when the time and conditions are fulfilled, thereby disclosing a sync starter operable to issue the action command to the content processor if the time and conditions are fulfilled).

Consider **claim 22**, and **as it applies to claim 17 above,** Johnson et al. show and disclose the claimed content device, wherein the content processor comprises:

a data reader operable to receive the interpreted synch data from the data parser (Fig. 2 that shows content formatter 206 (data parser) supplying interpreted synch data to synchronization module 210 in the form of playlists 220 and 222; column 13, lines 14-22 disclose the same details, thereby disclosing presence of a data reader operable to receive the interpreted synch data from the data parse);

a message maker operable to construct an action message using the interpreted synch data (column 11, lines 4-12 that describe action metadata tag entries in the audio file

playlist 222 of Fig. 8, used to initiate an action (such as calling someone on the telephone) when the time and conditions are fulfilled, thereby disclosing presence of a message maker operable to construct an action message using the interpreted synch data); and

an action starter operable to transmit the action message to the target device through the service manager (column 13, lines 19-25 which disclose that the synchronization module 210 downloads (transmits) both the mapping file (action message) and playlists onto the media player 102; Fig. 13, Playback Module 1308 in the Media Player 102 that acts as a service manager to select appropriate service modules that can play the selected content; column 14, lines 38-43 that further describe the details of the claimed method, thereby disclosing presence of an action starter operable to transmit the action message to the target device through the service manager).

Consider **claim 23**, and **as it applies to claim 22 above,** Johnson et al. show and disclose the claimed content device, wherein the content processor further comprises:

a preference analyzer operable to analyze preferences regarding a device, a service and a content format by analyzing the constructed action message (Fig. 2, Configuration Module 208 and Synchronization Module 210 that together analyze the preferences regarding a device, a service and a content format by analyzing the constructed action message, by module 208 interfacing with user interface 214 to determine user's preference for a service and conveying that information to the Content

Retrievers 206 and Synchronization module 210; by the synchronization module making appropriate media player device selection (e.g. audio vs. video content); and the Playback Module 1308 (in Fig. 13) selecting appropriate Application 1306 to play the selected content; column 9, lines 61-67 and column 10, lines 1-2 disclose a specific case).

Consider **claim 24**, Johnson et al. show and disclose a system of synchronizing contents (Fig. 2, PC 106 with a synchronization port 112 to synchronize multimedia content with a media player 102; column 2, lines 52-55 and column 4, lines 47-58 that disclose the same details), comprising:

a source device operable to provide contents desired by a user (Fig. 1 that shows content source 108 providing content to computer 106; column 4, lines 34-40 disclose the same details),

a content device operable to receive the contents from the source device (Fig. 1 that shows content source(s) 108 providing content to the content device (computer) 106; column 4, lines 34-40 and column 5, lines 43-52 disclose the same details); and

control **a** target device to automatically execute the contents (column 9, lines 61-67 and column 10, lines 1-2 which disclose that by using a phone number in a metadata tag in a playlist, a media player (target device) can automatically perform an available function, such as making a phone call, if the media player is embedded in a phone); and

the target device operable to receive the contents desired by the user and execute the contents (Fig. 2, Media Player 102 that acts as the target device, receiving the contents

selected by the user; column 4, lines 47-58 and column 5, lines 1-20 that disclose the same details).

Consider **claim 25**, and **as it applies to claim 24 above**, Johnson et al. show and disclose the claimed system, wherein the content device comprises:

a data composer operable to receive information required to construct synch data from an outside **source** and construct the synch data (Fig. 2 which shows Content Retriever(s) – Formatter(s) 206 acting as data composer, that receive information from external source(s) 108, and construct the synch data (Media Files Palylists 220 and Audio File Playlists 222); column 7, lines 4-11 that further disclose the claimed system);

a data parser operable to interpret the synch data and transmit a user command to modules requiring the interpreted synch data (Fig. 2, Content Retriever/Formatter 206 that receives user preference for content from the configuration module 208 and transmits a user command (contained within the playlists 220 and 222) to synchronization module 210; column 7, lines 8-11 which disclose that each content retriever/formatter is designed to understand the format and layout of the media content that it retrieves from a content source, thereby disclosing capabilities of a data parser to interpret the synch data);

a sync handler operable to determine conditions for execution of the contents using the interpreted synch data (Fig. 2 which shows a configuration module 208 that acts as a sync handler determining conditions for execution of the contents using the interpreted synch data, by receiving and processing user's content requirements from interface 214

and interpreted synch data from content retriever/formatter 206; column 6, lines 52-56 that disclose how configuration module integrates inputs (from user and module 206) to determine the conditions for execution of the contents); and

a content processor operable to issue an action command to the target device through a service manager if the conditions are fulfilled (Fig. 13, Playback Module 1308 in the Media Player 102 that acts as a service manager to select appropriate service modules that can play the selected content; column 14, lines 28-43 that further describe the details of the claimed method; column 3, lines 28-47 which disclose action markup tags that identify data for performing an action associated with the content when the conditions for execution of the contents are fulfilled (corresponding to loading synch data, e.g. playlists 220-222 and mapping data 234, onto the media player 102)).

Consider **claim 27**, and **as it applies to claim 24 above,** Johnson et al. show and disclose the claimed system, further comprising:

a data storage operable to store the synch data (Fig. 2 that shows Memory 204 storing Playlists 220-222 and Mapping Info. File 234 (synch data) within PC 106).

Consider **claim 29**, and **as it applies to claim 24 above,** Johnson et al. show and disclose the claimed system, wherein the sync handler comprises:

a data reader operable to receive the interpreted synch data from the data parser (Fig. 2 that shows content formatter 206 (data parser) supplying interpreted synch data to synchronization module 210 in the form of playlists 220 and 222; column 13, lines 14-22

disclose the same details, thereby disclosing presence of a data reader operable to receive the interpreted synch data from the data parser);

a time scheduler operable to receive the received synch data and determine a time when the contents are executed (column 13, lines 14-22 which disclose that the synchronization module 210 receives the synch data from content formatter module 206 and user interface 214; Figs. 6-7; column 10, lines 38-57 which disclose the process of determining a time when the contents of a "Calendar" appointments are played out based on XML-formatted text file playlist 224 (in Fig. 6), thereby disclosing presence of a time scheduler operable to receive the received synch data and determine a time when the contents are executed);

a condition check operable to receive the received synch data and determine conditions for execution of the contents (column 13, lines 14-22 which disclose that the synchronization module 210 receives the synch data from content formatter module 206 and user interface 214; Figs. 6 and 8; column 10, lines 58-67 and column 11, lines 1-4 that disclose a process of determining the conditions for execution of the contents of some audio files, thereby disclosing presence of a condition check operable to receive the received synch data and determine conditions for execution of the contents); and

a sync starter operable to issue the action command to the content processor if the time and conditions are fulfilled (column 11, lines 4-12 that describe action metadata tag entries in the audio file playlist 222 of Fig. 8, used to initiate an action (such as calling someone on the telephone) when the time and conditions are fulfilled, thereby

disclosing a sync starter operable to issue the action command to the content processor if the time and conditions are fulfilled).

Consider **claim 30**, and **as it applies to claim 24 above,** Johnson et al. show and disclose the claimed system, wherein the content processor comprises:

a data reader operable to receive the interpreted synch data from the data parser (Fig. 2 that shows content formatter 206 (data parser) supplying interpreted synch data to synchronization module 210 in the form of playlists 220 and 222; column 13, lines 14-22 disclose the same details, thereby disclosing presence of a data reader operable to receive the interpreted synch data from the data parse);

a message maker operable to construct an action message using the interpreted synch data (column 11, lines 4-12 that describe action metadata tag entries in the audio file playlist 222 of Fig. 8, used to initiate an action (such as calling someone on the telephone) when the time and conditions are fulfilled, thereby disclosing presence of a message maker operable to construct an action message using the interpreted synch data); and

an action starter operable to transmit the action message to the target device through the service manager (column 13, lines 19-25 which disclose that the synchronization module 210 downloads (transmits) both the mapping file (action message) and playlists onto the media player 102; Fig. 13, Playback Module 1308 in the Media Player 102 that acts as a service manager to select appropriate service modules that can play the selected content; column 14, lines 38-43 that further describe the details of the claimed

method, thereby disclosing presence of an action starter operable to transmit the action message to the target device through the service manager).

Consider **claim 31**, and **as it applies to claim 24 above,** Johnson et al. show and disclose the claimed system, wherein the content processor further comprises: a preference analyzer operable to analyze preferences regarding a device, a service and a content format by analyzing the constructed action message (Fig. 2, Configuration Module 208 and Synchronization Module 210 that together analyze the preferences regarding a device, a service and a content format by analyzing the constructed action message, by module 208 interfacing with user interface 214 to determine user's preference for a service and conveying that information to the Content Retrievers 206 and Synchronization module 210; by the synchronization module making appropriate media player device selection (e.g. audio vs. video content); and the Playback Module 1308 (in Fig. 13) selecting appropriate Application 1306 to play the selected content; column 9, lines 61-67 and column 10, lines 1-2 disclose a specific case).

Consider **claims 32 and 38**, and **as claim 38 applies to claim 32,** Johnson et al. show and disclose a synch data structure operable to store information required to allow a target device to execute contents at a certain time without intervention of a user (column 6, lines 58-67 and column 7, lines 1-3 that disclose among other components data structures being used; Figs. 6-10 that show various XML tags for different playlists

that a media player 102 (target device) may use to execute contents at a certain time without intervention of a user; column 9, lines 48-67 and column 10, lines 1-2 that disclose a particular example of a target device making a phone call using the XML tag information (phone number) from the playlist), comprising:

SynchTime operable to define a time at which contents stored in a content device are executed in a target device (Fig. 6, items marked 604 and 606 as well as the next entry that shows a meeting starting at 9:30 A.M., wherein the XML tags (data structures) for a date and a time for a greeting and a meeting (played by audio files appt1.wma and appt2.wma) are shown; column 9, line 22 thru column 11, line 37 disclose the details shown in Figs. 6-10);

SynchAction operable to define actions that are required to allow the content device to execute the contents in the target device (Figs. 8-9, XML action tags with items marked 230 that show actions associated with audio files task1.wma, task2.wma; intro1.wma and maria.wma; column 9, line 22 thru column 11, line 37 disclose the details shown in Figs. 8-9);

ContentInfo operable to define kinds of contents (Fig. 9, that shows kinds of content information within the XML action tags 230, e.g. ?album=619137; column 9, line 22 thru column 11, line 37 disclose the details shown in Figs. 9);

PreferenceInfo operable to define basic information of an owner if the owner of the contents exists (Fig. 9, that shows content owner's information within the XML action tags 226, e.g. Green Day: International Superhits and Maria's album; column 9, line 22 thru column 11, line 37 disclose the details shown in Fig. 9); and

SelectDeviceInfo operable to define a certain criterion to select a certain device if a plurality of devices providing the corresponding service exist at a time of synchronization (Fig. 8, XML action tag 230 that shows a telephone number requiring use of a telephone device (as against mailing address or a fax number of a fax machine) selected by the user to "Call Mom re: Mark", thereby disclosing means to define a certain criterion to select a certain device if a plurality of devices providing the corresponding service exist at a time of synchronization; column 9, line 22 thru column 11, line 37 disclose the details shown in Fig. 8).

Consider **claims 33 and 38**, and **as they respectively apply to claims 32 and 33,** Johnson et al. show and disclose the claimed synch data structure wherein the SynchTime comprises:

TriggerPoint operable to define a time when synchronization is performed (column 2, lines 55-59, which disclose that synchronization between the personal computer 106 and the media player 102 (shown in Fig. 2) occurs at a preset time);

ValidTime operable to define an effective period for which the synchronization can be performed (column 2, lines 55-59, which disclose that synchronization between the personal computer (PC) 106 and the media player 102 (shown in Fig. 2) for wired media players occurs while the media player is docked with the PC, thereby disclosing a time interval (or effective period) during which synchronization can be performed); and

MaxCount operable to define a maximum number of times the synchronization is performed (column 4, lines 47-49 that disclose that a media player 102 is periodically

synchronized with computer 106, thereby disclosing a count within a fixed period representing a maximum number of times the synchronization is performed).

Consider **claims 36 and 38**, and **as they respectively apply to claims 32 and 36,** Johnson et al. show and disclose the claimed synch data structure wherein the ReferenceInfo comprises:

UserInfo operable to define the basic information of the owner (Fig. 9, that shows content owner's information within the XML action tags 226, e.g. Green Day: International Superhits and Maria's album; column 9, line 22 thru column 11, line 37 disclose the details shown in Fig. 9);

FavoriteInfo operable to define information of a device, a service and a content format preferred by the user (Fig. 8, XML action tag 230 that shows a telephone number requiring use of a telephone device (as against mailing address or a fax number of a fax machine) selected by the user to "Call Mom re: Mark", thereby disclosing means to define a certain criterion to select a certain device if a plurality of devices providing the corresponding service exist at a time of synchronization; Fig. 9, Action XML tag 230 that shows an e-mail service being invoked; Fig. 9 that shows an XML tag 232 with maria.wma, indicating user preference for Windows Media Audio 8 content format; column 9, line 22 thru column 11, line 37 further disclose the details shown in Figs. 8 and 9); and

ConFIGInfo operable to previously set preference information of the user at a time of the synchronization (Fig. 6, Action XML tag 608 for TTSPlayList Name="MSN Music",

that shows Mailto:self action which invokes e-mail service that performs the action of downloading selected album to the user's own e-mail address, thereby disclosing defining configuration parameters so that the action is transmitted using information previously set by the user; column 9, line 22 thru column 11, line 37 disclose the details shown in Fig. 6).

Consider **claims 37 and 38**, and **as they respectively apply to claims 32 and 37,** Johnson et al. show and disclose the claimed synch data structure wherein the SelectDeviceInfo comprises:

SpecificDevice operable to make a definition to previously designate a device that is operated by the user (Fig. 8, that shows Title and Action XML tags 226 and 230, indicating previously selected Mom's and Dentist's Telephone numbers being reselected to play out the content messages task1.wma and task2.wma; column 9, line 22 thru column 11, line 37 disclose the details shown in Fig. 8); and

AnyDevice operable to define a method to select a certain device if there is no device designated by the user (Fig. 7, that shows Title XML tags 226 without any Action tags that provided specific phone numbers above, thereby disclosing using user's own phone as a default device to play out content messages appt1.wma, appt2.wma and appt3.wma; column 9, line 22 thru column 11, line 37 disclose the details shown in Fig. 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness
or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 7, 20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Johnson et al. (US Patent Publication # 7,159,174 B2)** in view of **Robbin et al. (US Patent Application Publication # 2003/0167318 A1).**

Consider **claim 7**, and **as it applies to claim 4 above,** Johnson et al. show and disclose the claimed method, except wherein the step of receiving the information further comprises receiving the information using results obtained by interpreting a pattern of actions performed between the content device and the target device.

In the same field of endeavor, Robbin et al. show and disclose the claimed method, including wherein the step of receiving the information further comprises receiving the information using results obtained by interpreting a pattern of actions performed between the content device and the target device (flowchart in Figs. 6A and 6B, that shows a series of actions between the content device (Media Manager 206 in the personal computer 204 in Fig. 2) and the target device (Media Player 202 in Fig. 2), including decision blocks 606, 612, and 618, before the information is received; paragraphs 0046-0048 further disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive the information using results obtained by interpreting a pattern of actions performed between the content device and the target device, as taught by Robbin et al., in the method of Johnson et al., so that the contents transferred to the target device are within the playing and storage capabilities of the target device.

Consider **claim 20**, and **as it applies to claim 17 above,** Johnson et al. show and disclose the claimed content device, wherein the data composer comprises:

a user command reader operable to construct the synch data by interpreting information received through a user interface (Fig. 2, user interface 214 providing user input via keyboard 218; column 7, lines 31-51 which disclose that a Content Configuration Module 208 supports a user interface 214, so that a user can specify desired data for retrieval from the various content source(s), thereby disclosing presence of a user command reader operable to construct the synch data by interpreting information received through a user interface);

an external data reader operable to interpret information provided by an external server and constructing the synch data (Fig. 2 which shows Content Retriever(s) – Formatter(s) 206 acting as data composer, that receive information from external source(s) 108, and construct the synch data (Media Files Playlists 220 and Audio File Playlists 222); column 7, lines 4-11 that further disclose the claimed method).

However, Johnson et al. do not specifically disclose a reference manager operable to interpret information, which is obtained by analyzing a pattern of actions between the content device and the target device, provided by the content processor and updating the synch data.

In the same field of endeavor, Robbin et al. show and disclose the claimed content device, including a reference manager operable to interpret information, which is obtained by analyzing a pattern of actions between the content device and the target

device, provided by the content processor and updating the synch data (flowchart in Figs. 6A and 6B, that shows a series of actions between the content device (Media Manager 206 in the personal computer 204 in Fig. 2) and the target device (Media Player 202 in Fig. 2), including decision blocks 606, 612, and 618, before the information is received; paragraphs 0046-0048 further disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a reference manager operable to interpret information, which is obtained by analyzing a pattern of actions between the content device and the target device, provided by the content processor and updating the synch data, as taught by Robbin et al., in the content device of Johnson et al., so that the contents transferred to the target device are within the playing and storage capabilities of the target device.

Consider **claim 28**, and **as it applies to claim 24 above,** Johnson et al. show and disclose the claimed system, wherein the data composer comprises:
a user command reader operable to construct the synch data by interpreting information received through a user interface (Fig. 2, user interface 214 providing user input via keyboard 218; column 7, lines 31-51 which disclose that a Content Configuration Module 208 supports a user interface 214, so that a user can specify desired data for retrieval from the various content source(s), thereby disclosing presence of a user command reader operable to construct the synch data by interpreting information received through a user interface);

an external data reader operable to interpret information provided by an external server and construct the synch data (Fig. 2 which shows Content Retriever(s) – Formatter(s) 206 acting as data composer, that receive information from external source(s) 108, and construct the synch data (Media Files Palylists 220 and Audio File Playlists 222); column 7, lines 4-11 that further disclose the claimed method).

However, Johnson et al. do not specifically disclose a reference manager operable to interpret information, which is obtained by analyzing a pattern of actions between the content device and the target device, provided by the content processor and update the synch data.

In the same field of endeavor, Robbin et al. show and disclose the claimed content device, including a reference manager operable to interpret information, which is obtained by analyzing a pattern of actions between the content device and the target device, provided by the content processor and update the synch data (flowchart in Figs. 6A and 6B, that shows a series of actions between the content device (Media Manager 206 in the personal computer 204 in Fig. 2) and the target device (Media Player 202 in Fig. 2), including decision blocks 606, 612, and 618, before the information is received; paragraphs 0046-0048 further disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a reference manager operable to interpret information, which is obtained by analyzing a pattern of actions between the content device and the target device, provided by the content processor and update the synch data, as taught by Robbin et al., in the content device of Johnson et al., so that the

contents transferred to the target device are within the playing and storage capabilities of the target device.

Claims 8-11, 18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Johnson et al. (US Patent Publication # 7,159,174 B2)** in view of **Carter et al. (US Patent Publication # 7,136,934 B2).**

Consider **claim 8**, and **as it applies to claim 2 above,** Johnson et al. show and disclose the claimed method, except wherein the step of determining the target device comprises searching for devices capable of supporting a service consistent with the contents and selecting the device from the searched devices.

In the same field of endeavor, Carter et al. show and disclose the claimed method, including wherein the step of determining the target device comprises searching for devices capable of supporting a service consistent with the contents and selecting the device from the searched devices (Fig. 1 that shows Digital Multimedia Device 104, Portable Multimedia Player, and Master Digital Multimedia Device 112, all capable of supporting a service consistent with the contents; column 4, lines 13-28 that disclose a plurality of zones within which the user may move at different times; and a separate interface device within each zone, supporting different multimedia playing capabilities based on the user's demand for different contents available at each zone, thereby disclosing that the step of determining the target device comprises searching for devices capable of supporting a service consistent with the contents and selecting the

device from the searched devices (depending on the zone in which the user is currently present); column 5, lines 8-12 also disclose some of the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to search for devices capable of supporting a service consistent with the contents and select the device from the searched devices, as taught by Carter et al., in the method of Johnson et al., so that the selected target device is capable of playing the contents selected by the user.

Consider **claim 9**, and **as it applies to claim 8 above,** Johnson et al., as modified by Carter et al., further disclose determining remaining ones of the devices, which are not selected as the target device, for alternative devices (column 4, lines 13-28 that disclose a plurality of zones within which the user may move at different times; and a separate interface device within each zone, supporting different multimedia playing capabilities based on the user's demand for different contents available at each zone; a selected target device for a given zone acts as the primary target device, whereas the interface devices in the remaining zones are considered alternative devices).

Consider **claim 10**, and **as it applies to claim 8 above,** Johnson et al., as modified by Carter et al., further disclose the claimed method, wherein the step of searching for the devices comprises interpreting the synch data through a data parser (in Johnson et al. reference, Fig. 2, Content Retriever/Formatter 206; column 7, lines 8-

11 which disclose that each content retriever/formatter is designed to understand the format and layout of the media content that it retrieves from a content source, thereby disclosing capabilities of a data parser for interpreting the synch data); and searching for the devices capable of supporting corresponding protocol and service based upon the interpreted synch data through a service finder (in Carter et al. reference, column 4, lines 13-28 that disclose a plurality of zones within which the user may move at different times; and a separate interface device within each zone, supporting different multimedia playing capabilities based on the user's demand for different contents available at each zone; Fig. 1, Master Digital Multimedia Device 112 that acts as a service finder to locate an interface device matching the capabilities for the content requirements of a specific zone; then transferring the selected multimedia content to that device; column 7, lines 10-15 that disclose the same details).

Consider **claim 11**, and **as it applies to claim 8 above,** Johnson et al., as modified by Carter et al., further disclose the claimed method, wherein the step of selecting the target device comprises interpreting the synch data through the data parser (in Johnson et al. reference, Fig. 2, Content Retriever/Formatter 206; column 7, lines 8-11 which disclose that each content retriever/formatter is designed to understand the format and layout of the media content that it retrieves from a content source, thereby disclosing capabilities of a data parser for interpreting the synch data); and selecting the target device from the searched devices based upon the interpreted synch data through the device selector (in Johnson et al. reference, Fig. 1 that shows a

plurality of media players 102 (target devices) to select from; Fig. 2, synchronization module 210 that also acts as a device selector; Fig. 12 that shows a stepwise procedure to select and synchronize a target device; column 13, lines 51-67 and column 14, lines 1-11 that disclose the selection process in more details).

Consider **claim 18**, and **as it applies to claim 17 above,** Johnson et al. show and disclose the claimed content device, except a device finder operable to search for devices capable of supporting a corresponding protocol; and

a device selector operable to select one or more of the devices found by said device finder.

In the same field of endeavor, Carter et al. show and disclose the claimed content device, including a device finder operable to search for devices capable of supporting a corresponding protocol (in Carter et al. reference, column 4, lines 13-28 that disclose a plurality of zones within which the user may move at different times; and a separate interface device within each zone, supporting different multimedia playing capabilities based on the user's demand for different contents available at each zone; Fig. 1, Master Digital Multimedia Device 112 that acts as a device finder to locate an interface device matching the capabilities for the content requirements of a specific zone; then transferring the selected multimedia content to that device; column 7, lines 10-15 that disclose the same details); and

a device selector operable to select one or more of the devices found by said device finder (Fig. 2, Digital Multimedia Device 204 acting as a device selector to select from

among one or more devices (VCR, DVD, Receiver); column 5, lines 61-67 and column 6, lines 1-8 that disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include in the claimed content device, a device finder operable to search for devices capable of supporting a corresponding protocol and a device selector operable to select one or more of the devices found by said device finder, as taught by Carter et al., in the content device of Johnson et al., so as to ensure that the selected target device is capable of playing the contents selected by the user.

Consider **claim 26**, and **as it applies to claim 24 above,** Johnson et al. show and disclose the claimed system, except a device finder operable to locate one or more devices and a device selector operable to select one or more of the devices found by said device finder.

In the same field of endeavor, Carter et al. show and disclose the claimed system, including a device finder operable to locate one or more devices (in Carter et al. reference, column 4, lines 13-28 that disclose a plurality of zones within which the user may move at different times; and a separate interface device within each zone, supporting different multimedia playing capabilities based on the user's demand for different contents available at each zone; Fig. 1, Master Digital Multimedia Device 112 that acts as a device finder to locate an interface device matching the capabilities for the content requirements of a specific zone; then transferring the selected multimedia content to that device; column 7, lines 10-15 that disclose the same details); and

a device selector operable to select one or more of the devices found by said device finder (Fig. 2, Digital Multimedia Device 204 acting as a device selector to select from among one or more devices (VCR, DVD, Receiver); column 5, lines 61-67 and column 6, lines 1-8 that disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a device finder operable to locate one or more devices and a device selector operable to select one or more of the devices found by said device finder, as taught by Carter et al., in the system of Johnson et al., so as to ensure that the selected target device is capable of playing the contents selected by the user.

Claims 34, 35 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Johnson et al. (US Patent Publication # 7,159,174 B2)** in view of **White et al. (US Patent Application Publication # 2004/0139180 A1).**

Consider **claims 34 and 38**, and **as they respectively apply to claims 32 and 34,** Johnson et al. show and disclose the claimed synch data structure wherein the SynchAction comprises:

ServiceInfo operable to define a service that performs the action (Fig. 6, Action XML tag 608 for TTSPlayList Name="MSN Music", which shows Mailto:self action that invokes e-mail service that performs the action; column 9, line 22 thru column 11, line 37 disclose the details shown in Fig. 6); and

ConFIGInfo operable to define definition so that the action is transmitted using information previously set by the user (Fig. 6, Action XML tag 608 for TTSPlayList Name="MSN Music", that shows Mailto:self action which invokes e-mail service that performs the action of downloading selected album to the user's own e-mail address, thereby disclosing defining configuration parameters so that the action is transmitted using information previously set by the user; column 9, line 22 thru column 11, line 37 disclose the details shown in Fig. 6).

However, Johnson et al. do not specifically mention a protocol for the data structures.

In the same field of endeavor, White et al. disclose the claimed system, including defining a protocol by which synchronization is performed (paragraph 0007, lines 1-2 which disclose that UPnP uses open, standard protocols, such as TCP/IP, HTTP, and XML; paragraph 0011 that discloses use of SyncML protocol for synchronizing mobile devices using wireless medium).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to define a protocol by which synchronization is performed, as taught by White et al., in the system of Johnson et al., so as to ensure that the selected target device is properly synchronized with the synchronizing device.

Consider **claims 35 and 38**, and **as they respectively apply to claims 32 and 35,** Johnson et al. show and disclose the claimed synch data structure wherein the ContentInfo comprises:

Type operable to define types of the contents (Fig. 6, Title attribute in the TTSPlayList XML tag 602 that shows different types of content such as "Outlook Calendar", "Outlook Phone Tasks", "New Music from Green Day", etc., column 9, line 22 thru column 11, line 37 disclose the details shown in Fig. 6);

Source operable to define a position and a file name where and with which the contents are stored (Fig. 6, Filename attribute in the Text XML tag 606 that shows the name and filetype of the media file to be played, Action XML tag 608 for TTSPlayList Name="MSN Music", that shows the folder path on the MSN Music site for the desired album, thereby disclosing a filename and a position where and with which the contents are stored; column 9, line 22 thru column 11, line 37 disclose the details shown in Fig. 6); and

ServiceInfo operable to define a service that performs the action (Fig. 6, Action XML tag 608 for TTSPlayList Name="MSN Music", that shows Mailto:self action that invokes e-mail service that performs the action operable to store information required to allow a target device to execute contents at a certain time without intervention of a user (disclosed in the preamble of claim 32); column 9, line 22 thru column 11, line 37 disclose the details shown in Fig. 6).

However, Johnson et al. do not specifically mention a protocol for the data structures.

In the same field of endeavor, White et al. disclose the claimed system, including defining a protocol by which synchronization is performed (paragraph 0007, lines 1-2 which disclose that UPnP uses open, standard protocols, such as TCP/IP, HTTP, and

XML; paragraph 0011 that discloses use of SyncML protocol for synchronizing mobile devices using wireless medium).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to define a protocol by which synchronization is performed, as taught by White et al., in the system of Johnson et al., so as to ensure that the selected target device is properly synchronized with the synchronizing device.

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

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Art Unit: 2143

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kishin G. Belani whose telephone number is (571) 270-1768. The Examiner can normally be reached on Monday-Thursday from 6:30 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-0800.

Kishin G. Belani

K.G.B./kgb

January 3, 2008